

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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EDDIE HOOVER, M.D.,

Plaintiff,

v.

ORDER  
11-CV-0734A

ERIC K. SHINSEKI, as Secretary of Veteran  
Affairs,  
WILLIAM F. FEELEY, Director of Medical Center  
Veteran Affairs Western New York Healthcare  
Systems, and  
MIGUEL RAINSTEIN, M.D. Chief of Staff  
Veteran Affairs Western New York Healthcare  
Systems,

Defendants.

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The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 27, 2012, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendants' motion to dismiss be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants' motion to dismiss is granted.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: October 16, 2012